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5 IN THE UNITED STATES DISTRICT COURT

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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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WAYMO LLC,

No. C 17-00939 WHA

Plaintiff,

v.

16 UBER TECHNOLOGIES, INC.;  
17 OTTOMOTTO LLC; and OTTO  
18 TRUCKING LLC,

19 Defendants.

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20 **ORDER RE FORTHCOMING  
21 OFFER OF PROOF AND  
22 RESPONSE THERETO**

23 In its forthcoming offer of proof, Waymo shall please be sure to specifically explain the  
24 practical details of how it will implement its offer of proof, including the names of specific  
sponsoring witnesses and how they will overcome hearsay objections.

25 In addition, to evaluate how much, if any, of the Richard Jacobs story should be laid  
26 before the jury, the judge requests that both sides address in their forthcoming submissions the  
exact extent to which any truthful information in the Jacobs materials was not already known to  
Waymo. For example, it seems that the ephemeral messaging issue was generally true but was  
already known to Waymo. On the other hand, it seems that the non-attributable devices issue  
was not previously known but was a problem confined to SSG and MA. True?

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28 **IT IS SO ORDERED.**

Dated: January 3, 2018.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE